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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,373	03/22/2001	James B. Baird	8579.00	4250

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Michael Chan  
Intellectual Property Section  
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EXAMINER

JACKSON, BLANE J

ART UNIT	PAPER NUMBER
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2685

DATE MAILED: 10/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/815,373

Applicant(s)

BAIRD, JAMES B.

Examiner

Blane J Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claim have been considered but are moot in view of the new ground(s) of rejection. The applicant argues the device user of prior art Heinonen is not strictly identified by the personal identification number (used to enable the wireless telephone to access a financial account program). With emphasis on understanding *strictly* or *specific identification* rather than someone with knowledge and use of the identity number, the broad claim language of independent claims 1 and 10, "identifying a user" or "identified user" does not sufficiently reflect specific identification of the user. Since the reference to biometrics recognition device introduced in claim 5 clearly indicates a specific identity of the user, new grounds of rejection have been used to better address this element.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-5, 8-11, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (U.S. Patent 6,418,326) with a view to Novis et al. (U.S. Patent 5,867,795).

As to claims 1, 4, 5, 8-11 and 14, Heinonen teaches a method and apparatus of making an electronic currency value available to a user the method comprising the steps of:

Identifying the user via a portable communications device using the portable communications device for a local identification of the user without a need for a remote connection to carry out the identification (figures 1 and 3c, device users enters an identification number to be examined for access to the accounts within the device (cellular telephone), column 8, lines 52 to column 9, line 5),

Identifying a currency value associated with the user and, (column 8, lines 10-51, column 9, lines 14-27), and

Making the currency value associated with the identified user accessible to the identified user for use in a transaction (column 8, lines 18-21, column 10, lines 22-67).

Heinonen teaches a cellular telephone user to input a certain code to be to identify and allow access to the money accounts but is silent as to clear specific identification and authentication of the user.

Novis teaches a cellular telephone with a virtual image display and uses cryptological calculation making data transmission secure for conducting transactions with a host database. Also, for user access, the user provides a PIN

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code or a biometric identifier such as a finger print or retinal scan utilizing input and identity determination on the telephone (figure 1, column 5, lines 7-46, figure 12 retinal scan: column 10, lines 20-67) and figure 13, the cellular telephone with secure equipment: column 11, lines 11-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the code for identity verification of the device user in Heinonen with the additional code plus biometric capability of Novis to identify a specific device user for secure data access and transactions with a remote party.

As to claim 2, Heinonen teaches where the step of identifying a currency value requires prior verification of the user's identity (identity check before access to applications, column 8, line 45 to column 9, line 5).

As to claim 3, Heinonen teaches storing the currency value in a storage medium provided in the portable communications device (column 9, lines 54-67).

4. Claims 6, 7, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (U.S. Patent 6,418,326) and Novis et al. (U.S. Patent 5,867,795) with a view to Davis et al. (U.S. Patent 6,314,519).

As to claims 6, 7, 12 and 13, Heinonen modified teaches electronic currency storage with cryptological calculations but does not discuss data storage means for storing *certificated electronic currency values* with data processing means for encrypting and /or decrypting data.

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Davis teaches a secure messaging system for electronic payment at a point of sale for wireless pagers or mobile telephones (column 18, lines 65-67) where the wireless unit comprises storage means for storing certificated electronic currency values and means for encrypting and /or decrypting data (figure 9, column 13, lines 26-64). It would have been obvious to one of ordinary skill in the art at the time of the invention to identify in the data communication process of Heinonen the secure methods of Davis to protect the communication of sensitive and financial information.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (U.S. Patent 6,314,519) and Novis et al. (U.S. Patent 5,867,795) and further in view of Freeny Jr. (U.S. Patent 6,490,443).

As to claim 15, Davis teaches a method of securely storing electronic currency values, the method comprising the steps of:

Obtaining an *identification code identifier* from a user (column 17, column 44 to column 18, line 41),

Generating a request for a certificated currency value,

Sending the request to a certified currency issuer,

Obtaining a certified currency value from the issuer,

Encrypting the certified currency value, and

Storing the encrypted certified currency value (column 13, lines 26-67).

Davis does not teach obtaining a biometrics identifier from a user.

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Novis teaches a cellular telephone for secure transactions that requires the user to input a PIN code or a biometric identifier such as a finger print or retinal scan to access a data transmission (column 5, lines 7-46). It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the user code identification system of Davis with the biometric input approach of Novis for more secure data transactions.

Davis and Novis do not teach encrypting the certified currency value in a manner dependent at least in part on the biometrics identifier.

Freeny teaches a method for authenticating a proximity service wireless unit for individual users that uses a biometrics identifier from a user and encrypting the data in a manner dependent at least in part on the biometrics identifier (figure 36, column 39, line 32 to column 40, line 39).

It would have been obvious to one of ordinary skill in the art at the time of the invention to upgrade the identification code identifier of Davis and Novis with the biometrics and encryption methods of Freeny for secure authentication of the device user and unique encryption to increase transaction security.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J Jackson whose telephone number is (703) 305-5291. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (703) 305-4385. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ



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